

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Chester County
The Honorable Brian M. Gibbons, Circuit Court Judge
Appellate Case No: 2022-001104

THE STATE,

Respondent,

vs.

JAMES B. CURRY,

Appellant.

**MOTION FOR SIXTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on January 16, 2024.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Respondent moves for a third extension in the above referenced appeal. Due to work required in other cases pending before this Court and the South Carolina Supreme Court along with other extenuating circumstances, the undersigned counsel is unable to complete this Brief on time. Earlier today, the undersigned filed a Final Brief of Respondent in State v. Reginald Da'Aron Campbell. Last week, the undersigned filed a Return to Petition for Writ of Certiorari

in the Supreme Court in Christopher Campbell v. State and investigated the matter and prepared a return to a pro se filing at the request of the South Carolina Supreme Court in Kenneth F. Ray v. State. Additionally, in the past few weeks, the undersigned counsel has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Mathia Lamont Chambers and State v. Mazar Nathaniel Sturdivant. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case—which had previously been assigned to another attorney in the office—has required significant research because the case involves two important issues on appeal. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload, challenges that have resulted from staffing issues that continue to be experienced by the undersigned counsel’s office, and some other unexpected and significant issues that have arisen. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent’s motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

By: 

Mark R. Farthing
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By: 

Donald J. Zelenka
Deputy Attorney General

January 16, 2024

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Jan 16 2024

SC Court of Appeals

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PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for the Sixth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

Jessica M. Saxon, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211

I further certify all parties required by Rule to be served have been served.
This 16th day of January, 2024.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General